| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/040,699 | 12/28/2001 | John Ah Sue | 2705-707 | 2473 |

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| 20575　　7590　　05/30/2007 | | EXAMINER | |
| MARGER JOHNSON & MCCOLLOM, P.C. | | MURPHY, RHONDA L | |
| 210 SW MORRISON STREET, SUITE 400 | | | |
| PORTLAND, OR 97204 | | ART UNIT | PAPER NUMBER |
| | | 2616 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/30/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/040,699 | SUE, JOHN AH |
| | Examiner | Art Unit | |
| | Rhonda Murphy | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 March 2007*.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-6,8-11,14-19 and 22-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-11,14-19 and 22-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1.     This communication is responsive to the amendment filed on 3/14/07.

Accordingly, claims 7, 12-13, 20-21 and 28-29 have been canceled and claims 1-6, 8-

11, 14-19 and 22-27 are currently pending in this application.

### *Response to Arguments*

1.     Applicant's arguments with respect to claims 1-6, 8-11, 14-19 and 22-27 have

been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

1.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.     Claims 1-6, 15-19 and 22-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over von Kannewurff et al. (US 2003/0200009 A1).

**Regarding claim 1**, von Kannewurff teaches a system comprising: a router (Figs. 5 and

6, local gateway server 420) having a first interface for coupling to one or more

computers located in a private home network (interface between "420" and home

computer "422"), the router configured to perform address translation on packets

exchanged between the computers located in the private home network and a wide

area network (via Internet 414; page 4, paragraph 36); one or more appliances (pages

4-5, paragraphs 36-37) coupled to the router independently of the computers (see Fig.

5); the router configured to send one or more communications over the wide area

network for logging into a Internet enabled system as a client (page 4, paragraph 34) in

response to receiving an event signal from one of the appliances (page 4, paragraph

37, alarm detected) and independently of the operational status of the computers (see

Fig. 5); the router configured to notify a user of the event signal using the Internet

enabled system (page 5, paragraphs 38-39); and the router configured to control the

appliance that sent the event signal according to a message generated by the user and

received from the Internet enabled system over the wide area network (page 5,

paragraph 39; activating and deactivating appliances).

von Kannewurff teaches sending communications via the Internet enabled

system and email (page 4, paragraph 30), but does not explicitly disclose instant

messenger applications.

However, it is known in the art that an instant messenger application is a form of

communication via the Internet.

In view of this, it would have been obvious to one skilled in the art to include an

instant messenger application as a type of Internet notification, for the purpose of

providing real-time communication with an immediate response regarding the status of

an appliance.

**Regarding claim 2**, von Kannewurff teaches the system of claim 1 further comprising: a

home automation system interface coupled to the router over a second interface of the

router that is separate from the first interface (illustrated in Fig. 5 as the interface

extending from the underside of "420") and; the router configured to transmit a control

signal to the home automation system (sensors 428) for controlling the appliance that

sent the event signal (page 5, paragraphs 37 and 39).

**Regarding claim 3**, von Kannewurff teaches the method of claim 1 further comprising:

the router configured to establish a security policy for creating a firewall between the

private home network and the wide area network (page 2, paragraph 16 and page 4,

paragraph 34); wherein the security policy is configured to allow the user to monitor and

control the appliances from an endpoint located remotely with respect to the private

home network (page 5, paragraph 39).

**Regarding claim 4**, von Kannewurff teaches the method of claim 3 wherein the router

controls a light fixture, a thermostat, an alarm system or a sprinkler system according to

the message received from the Internet notification (page 4, paragraph 37 – alarm

system; page 5, paragraph 39 – thermostat).

**Regarding claim 5**, von Kannewurff teaches the method of claim 1 wherein the router

communicates via Internet/email notifications. Von Kannewurff fails to explicitly teach

the router appearing as an instant messenger friend on a graphical display on a remote

endpoint for the user after the router logs into the instant messenger application.

However, it is known in the art that an instant message is a form of Internet/email

notification and instant messenger friends appear on a remote display of a user when

that instant messenger friend logs on.

Therefore, it would have been obvious to one skilled in the art to have a router appear as an instant messenger friend on a remote user's display, in order to notify the remote user that the instant messenger friend has logged on and is capable of receiving and sending instant messages.

**Regarding claim 6**, von Kannewurff teaches the method of claim 1 wherein the router is further configured to interpret Internet/email notifications for controlling the appliance that sent the event signal. von Kannewurff fails to explicitly disclose the router configured to interpret pseudo-English commands included in the message received from the instant messenger application for controlling the appliance that sent the event signal according to the pseudo-English commands.

However, it is known in the art that an instant message is a form of Internet/email notification and Internet/email notifications can contain pseudo-English commands.

Therefore, it would have been obvious to one skilled in the art to interpret an instant message that contains pseudo-English commands, in order to understand commands that are received using shortened English terms.

**Regarding claim 15**, von Kannewurff teaches a system comprising: means for transferring communications between a first network and a second network to provide one or more computers located in the first network with access to the second network (page 5, paragraph 39); means for logging into an Internet enabled system by sending login messages over the second network independently of the computers (page 4, paragraph 34); and means for controlling an appliance according to incoming messages

received over the second network and generated by a user in communication with the

Internet enabled system (pages 4 and 5, paragraphs 37 and 39).

von Kannewurff teaches sending communications via the Internet enabled

system and email (page 4, paragraph 30), but does not explicitly disclose an instant

messenger application server.

However, it is known in the art that an instant messenger application server is

associated with an Internet enabled system that is required to send Internet/email

notifications via the Internet.

In view of this, it would have been obvious to one skilled in the art to include an

instant messenger application server, for the purpose of providing real-time

communication with an immediate response regarding the status of an appliance.

**Regarding claim 16**, von Kannewurff teaches the system of claim 15 wherein the

means for controlling the appliance is configured to transmit a control signal to the

appliance in accordance with a standardized home automation interface (pages 4 and

5, paragraphs 37 and 39).

**Regarding claim 17**, von Kannewurff teaches the system of claim 15 further

comprising: means for interfacing with the appliance via a home automation system

interface unit (sensors 428) configured to control a plurality of appliances (page 4,

paragraph 37), the interfacing means compatible with a standardized home automation

interface (page 4, paragraph 37).

**Regarding claim 18**, von Kannewurff teaches the system of claim 17 wherein the home

automation system interface unit is a transceiver configured to control the plurality of

appliances (pages 4 and 5, paragraphs 37 and 39).

**Regarding claim 19**, von Kannewurff teaches the system of claim 15 further

comprising: means of functioning as an Internet messenger client of the Internet

enabled system to receive the incoming messages (pages 4 and 5, paragraphs 30, 37

and 39).

**Regarding claim 22**, von Kannewurff teaches the system of claim 15 wherein the

second network is the Internet (Fig. 5; Internet 414).

**Regarding claim 23**, von Kannewurff teaches a method comprising: transferring

communications between a first network and a second network to provide one or more

computers located in the first network with access to the second network (page 5,

paragraph 39); sending login messages over the second network to an Internet enabled

system (page 4, paragraph 34), said sending of the login messages occurring

independently of the computers (see Fig. 5); controlling an appliance independently of

the computers according to one or more incoming messages received over the second

network (pages 4 and 5, paragraphs 37 and 39).

von Kannewurff teaches sending communications via the Internet enabled

system and email (page 4, paragraph 30), but does not explicitly disclose an instant

messenger application server.

However, it is known in the art that an instant messenger application server is
associated with an Internet enabled system that is required to send Internet/email
notifications via the Internet.

In view of this, it would have been obvious to one skilled in the art to include an
instant messenger application server, for the purpose of providing real-time
communication with an immediate response regarding the status of an appliance.

**Regarding claim 24**, von Kannewurff teaches the same limitation described above in
the rejection of claim 16.

**Regarding claim 25**, von Kannewurff teaches the same limitation described above in
the rejection of claim 17.

**Regarding claim 26**, von Kannewurff teaches the same limitation described above in
the rejection of claim 18.

**Regarding claim 27**, von Kannewurff teaches the method of claim 23 further
comprising: logging onto the Internet enabled system (page 4, paragraph 34); and
functioning as an Internet messenger client to receive the incoming messages (pages 4
and 5, paragraphs 30, 37 and 39).


3.     Claims 8-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable
over von Kannewurff et al. (US 2003/0200009 A1) in view of Albanese et al. (US
2006/0167985 A1).

**Regarding claim 8**, von Kannewurff teaches an apparatus comprising: a first interface
(Fig. 5; interface between "420" and home computer "422") coupled to one or more

computers (422) located in a first home network; a second interface (illustrated in Fig. 5

as the interface extending from the underside of "420") for coupling to at least one

appliance (pages 4-5, paragraphs 36-37) located in a home associated with the first

home network (see Fig. 5); one or more processors (Fig. 3; database 20); and a

memory (data storage device 34) coupled to the processors comprising instructions

executable by the processors (page 3, paragraph 23), the processors operable when

executing the instructions to: forward communications between the first home network

and a second network to provide the computers that are located in the first home

network with access to the second network (page 5, paragraph 39); send signaling

messages over the second network for logging into an Internet enabled system (page 4,

paragraph 34) and in response to receiving an event signal received over the second

interface (page 4, paragraph 37); send one or more outgoing Internet/email notifications

(page 4, paragraph 30) over the second network to notify a user of the event signal

using the Internet enabled system (page 5, paragraphs 38-39); and control the

appliance through the second interface according to one or more incoming

Internet/email notification received over the second network (page 4 and 5, paragraphs

37 and 39; activating and deactivating appliances).

von Kannewurff teaches sending communications via the Internet enabled

system and email (page 4, paragraph 30), but does not explicitly disclose instant

messenger applications.

However, it is known in the art that an instant messenger application is a form of

communication via the Internet.

In view of this, it would have been obvious to one skilled in the art to include an instant messenger application as a type of Internet notification, for the purpose of providing real-time communication with an immediate response regarding the status of an appliance.

von Kannewurff fails to explicitly teach sending messages regardless of whether the computers are powered on.

However, Albanese teaches sending messages regardless of whether the computers are powered on (page 10, paragraph 89).

In view of this, it would have been obvious to one skilled in the art to send messages regardless of whether the computers are powered on, so as to ensure the message is properly received regardless of the computer's power state.

**Regarding claim 9**, von Kannewurff teaches the apparatus of claim 8 wherein the processors are further operable to transmit the control signal to the appliance in accordance with a standardized home automation protocol (page 2, paragraph 16).

**Regarding claim 10**, von Kannewurff teaches the apparatus of claim 8 wherein the processors are further operable to interface with the appliance via a home automation system interface unit (sensors 428) configured to control the appliance (pages 4 and 5, paragraphs 37 and 39), the interfacing conducted in accordance with a standardized home automation protocol (page 2, paragraph 16).

**Regarding claim 11**, von Kannewurff teaches the apparatus of claim 10 wherein the home automation system interface unit is a transceiver configured to control the appliance (pages 4 and 5, paragraphs 37 and 39).

**Regarding claim 14**, von Kannewurff teaches the apparatus of claim 8 wherein the

processors are further operable to maintain a firewall between the first and second

networks (page 2, paragraph 16); and transmit the outgoing messages to the Internet

enabled system through the firewall (page 2, paragraph 16).


### Conclusion

1.     Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-

3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.
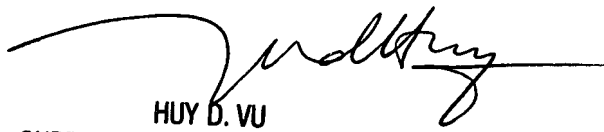
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy
Examiner
Art Unit 2616

RM

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600